

REMARKS

Claims pending in the instant application are numbered 88, 89, 91, 92, 97-99 and 101-125. Claims 88, 89, 91, 92, 97-99 and 101-125 presently stand rejected. Claims 88-89, 91-92, 97-99, 101-118, and 120-125 have been amended. The Applicant respectfully requests reconsideration of the present application in view of the amendments and the following remarks.

35 U.S.C. § 102 and § 103 Rejections

Claims 88, 89, 91, 92, 97-99 and 101-125 are rejected under 102(b) as being anticipated by Yasuda et al., U.S. Patent Number 4,947,398. Claims 110 and 114 are rejected under 35 § U.S.C. 103(a) as being unpatentable over Yasuda.

Claim 88, as presently amended, expressly recites:

“a grid generator to be positioned in an optical path of an optical signal and to generate a first plurality of transmission peaks at respective wavelengths corresponding to optical communication channels of a selected wavelength grid within a wavelength range of a gain medium optically coupled to the tunable optical filter; and

a channel selector to be positioned in the optical path to be optically coupled to the grid generator and to generate a second plurality of transmission peaks at respective wavelengths within the wavelength range” (emphasis added).

Yasuda is directed to a laser device with wavelength stabilization control. Yasuda discloses a course tuning etalon 4 and a fine tuning etalon 5. The free spectral range FSR1 of

course tuning etalon 4 must be wide enough to ensure only one of the wavelengths at peaks of the transmission of etalon 4 falls within the gain region of the laser medium (col. 3, lines 50-55). Thus, Yasuda expressly discloses no more than one peak within the wavelength range of the laser, while the presently claimed invention expressly claims the grid generator and the channel selector to each generate a plurality of transmission peaks within the wavelength range of the gain medium.

Thus, Yasuda fails to disclose, teach or fairly suggest at least one or more expressly recited elements of the Applicant's presently claimed invention. Therefore, the presently claimed invention would not be anticipated nor rendered obvious by Yasuda. Independent claims 97, 101 and 116 distinguish for the same reasons as claim 88. Claims 89, 91-92, 98-99, 102-115, 117-125 are dependent claims and distinguish for at least the same reasons as their respective independent base claims in addition to adding further limitations of their own.

Conclusion

The Applicant submits that in view of the remarks and amendments set forth herein, all pending claims are in condition for allowance. Therefore, the Applicant respectfully requests the Examiner to issue a Notice of Allowance in this case

Charge Deposit Account

Please charge our Deposit Account No. 02-2666 for any additional fee(s) that may be due in this matter, and please credit the same deposit account for any overpayment.

Respectfully submitted,

BLAKELY, SOKOLOFF TAYLOR & ZAFMAN

Date: Aug. 24, 2004



Anthony H. Azure

Reg. No. 52,580

Phone: (206)-292-8600 x311